

D7C - CONSPICUOUS SERVICE WITH MILITARY / MAILING
1PJH966127 - PAUL J. HOOTEN, ESQ

UNITED STATES SOUTHERN DIST. COURT - NEW YORK COUNTY

J&J SPORTS PRODUCTIONS, INC.,

PLAINTIFF

- vs. -

RINCON HAVANERO INC DBA RINCON
HAVANERO
RESTAURANT ET ANO,

DEFENDANT

Index No: 08 CV 02838
Date Filed: 03/17/2008
Office No: 131403
Court Date: N/A

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

JONAH DAWKINS being duly sworn, deposes and says;

I am over the age of 18 years, not a party to this action, and reside in the State of New York.

That on 04/29/2008 at 3:27PM at 2314 ELLIS AVENUE APT. 2FL , BRONX, NY 10462, deponent attempted to make personal service of a true copy of the SUMMONS AND COMPLAINT in the above action upon JOAQUIN RUBI the DEFENDANT therein named.

Deponent made prior efforts to effect personal service upon the said DEFENDANT at the aforementioned address, to wit: 04/25/2008 at 7:31PM, 04/26/2008 at 6:37PM, 04/29/2008 at 3:27PM.

Deponent spoke with VICTOR MARTINEZ, NEIGHBOR OF THE DEFENDANT at aforementioned address, who stated to deponent that said DEFENDANT lived there, and had no knowledge of place of employment of the DEFENDANT. That personal service could not be made with due diligence upon the said DEFENDANT and therefore deponent on 04/29/2008 at 3:27PM at the aforementioned address, served a true copy of the aforementioned document(s) herein upon the said DEFENDANT, JOAQUIN RUBI by affixing same to the door of DEFENDANT said residence, since admittance could not be obtained upon reasonable application or a person of suitable age and discretion found who would receive same, true copies thereof, and on 05/02/2008 I deposited in the United States mail another true copy or copies of the aforementioned documents properly enclosed and sealed in a post-paid wrapper addressed to said DEFENDANT at 2314 ELLIS AVENUE APT. 2FL , BRONX, NY 10462. That address being last known residence, usual place of abode of the DEFENDANT.

Copy mailed 1st class mail marked personal & confidential not indicating on the outside thereof, by return address or otherwise that said notice is from an attorney or concerns an action against the person to be served.

That at the time of service as aforesaid, I asked person spoken to whether the DEFENDANT was in, or a dependant of a person in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid I aver that the DEFENDANT is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York, or the Federal Soldiers and Sailors Civil Relief Act.

Sworn to before me on 05/02/2008.

HARVEY TAUBER
Notary Public, State of New York
No. 01TA4667012
Qualified in BRONX
Commission Expires 12/31/2010

JONAH DAWKINS - 869981
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ER